

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In Re: Dailey Law Firm, PC,

Debtor.
_____ /

Case No. 23-45970-mlo

Chapter 7

Hon: Maria L. Oxholm

**FIRST AND FINAL APPLICATION OF GOLDSTEIN, BERSHAD & FRIED, P.C. FOR
COMPENSATION AND REIMBURSEMENT OF EXPENSES FOR SERVICES
RENDERED AS COUNSEL FOR DEBTOR IN ITS CHAPTER 11
FOR THE PERIOD JULY 7, 2023 THROUGH SEPTEMBER 22, 2023**

Goldstein, Bershad & Fried, P.C., Counsel for Debtor, (the "Applicant"), submits this application pursuant to LBR 2016-1 (EDM), LBR 2016-3 (EDM) and 11 U.S.C. § 331 as follows:

1. A. Fees requested in present application: Applicant requests fees in the amount of \$34,807.50.

B. Expenses requested in present application: Applicant requests expenses in the amount of \$2,081.39.

C. Applicant was paid an initial retainer of \$11,717.00 which included the filing fee. There remains \$2,900.50 on deposit in retainer funds.

3. Nature of services rendered and how they benefitted the estate:

The Applicant represented the Debtor in his Chapter 11 case and performed all the necessary legal services in connection with that representation including, but not limited to:

- a. Applicant reviewed extensive correspondence and financial records and consulted with client as to same.
- b. Applicant discussed with client on several occasions to discuss administration of the case and strategy.

- c. Applicant communicated extensively with Creditors, Creditor Attorneys, SubChapter V Trustee and US Trustee on a variety of issues.
- d. Applicant reviewed numerous Proofs of Claim and Amended Proofs of Claim.
- e. Applicant prepared and amended multiple detailed Motions, reviewed multiple objections to same and extensively communicated with creditors, creditor's attorneys and client regarding same and attended hearings. Applicant communicated frequently with Brian Dailey the managing member of the Debtor. Applicant successfully had all first day motions approved.
- f. Applicant prepared detailed Motions to employ attorney.
- g. Applicant met with client to discuss administration of the case and settlement terms for various objecting creditors. Applicant engaged in extensive motion practice as it relates to the pre petition receiver.
- h. Applicant Compiled and reviewed numerous documents in preparation for submission to US Trustee's office.
- i. Applicant attended the Debtor's IDI interview and 341 hearing and communicated with the US Trustee regarding case status and future course of action.
- j. Applicant engaged in legal research regarding the status of the pre petition receiver. Applicant filed extensive responses to motion to dismiss and challenged the standing of the receiver.
- k. Applicant communicated extensively with Sub Chapter V Trustee on a various of issues relating to case administration.
- l. Applicant engaged in numerous discussions with creditors regarding funds held in IOLTA account.
- m. Applicant reviewed state court pleadings as it relates to the Interpleader action.
- n. Applicant performed extensive legal research as it relates to interpleader action..
- o. Applicant analyzed clients interest in Interpleader funds.
- p. Applicant reviewed and responded to numerous inquires regarding misappropriation of client funds
- q. Applicant reviewed PPP loan forgiveness documents.
- r. Applicant numerous memos and emails to client regarding actions necessary to

continue in Chapter 11.

- (1) Asset Analysis and Recovery: Applicant spent 1.50 hours or \$487.50 in fees for services rendered in connection with Asset Analysis and Recovery.
- (2) Asset Disposition: None.
- (3) Business Operations: Applicant spent 1.80 hours or \$585.00 in fees for services rendered in connection with Business Operations.
- (4) Case Administration: Applicant spent 85.50 hours or \$27,787.50 in fees for services rendered in connection with Case Administration.
- (5) Claims Administration and Objections: Applicant spent 1.30 hours or \$422.50 in fees for services rendered in connection with Claims Administration and Objections.
- (6) Employee Benefits/Pensions: None.
- (7) Fee/Employment Applications: Applicant spent 2.80 hours or \$910.00 in fees for services rendered in connection with Fee/Employment Applications.
- (8) Fee/Employment Objections: None.
- (9) Financing: Applicant spent .80 hours or \$260.00 in fees for services rendered in connection with financing.
- (10) Litigation: Applicant spent .80 hours or \$260.00 in fees for services rendered in connection with litigation.
- (11) Meetings of Creditors: Applicant spent 9.60 hours or \$3,120.00 in fees for services rendered in connection with Meeting of Creditors.
- (12) Plan and Disclosure Statement: None.
- (13) Relief From Stay Proceedings: Applicant spent 3.00 hours or \$975.00 in fees for services rendered in connection with relief from stay proceedings.

4. Adversary Proceeding: None.

5. Current Status of Bankruptcy Case as well as Monthly Reports and Filing Chapter 11

Plan: The case was converted to Chapter 7 on September 14, 2023.

6. Nature of Services to be Provided in Future: None.

7. Amount and Nature of Accrued Unpaid Administrative Expenses: The Debtor anticipates SubChapter V Trustee fees in the amount of \$2,000.00.

8. Duplication of Services: None.

9. Fees and costs previously approved: Fees and costs have previously been approved in the amount of \$0.00.

10. The Applicant provided the Debtor with a copy of this application prior to filing of the application and Debtor did not respond to the request for fees and expenses sought in this application.

11. A copy of a proposed Order is attached as Exhibit 1.

12. A copy of the Order Authorizing Debtor to Retain Goldstein, Bershad & Fried, P.C. as Attorneys is attached as Exhibit 2.

13. A copy of the 2016(b) Statement and Applicant's retention agreement are attached as Exhibit 3.

14. A summary statement of the number of hours of services rendered by each professional and paraprofessional and the hourly rate of each is attached as Exhibit 4.

15. An itemized time record and the project billing summary are attached as Exhibit 5.

16. A brief biographical statement is attached as Exhibit 6.

17. An itemized statement of expense for which reimbursement is sought is attached as Exhibit 7.

WHEREFORE, Applicant, Goldstein, Bershad & Fried, P.C. requests that this Court enter the Order attached as Exhibit 1 approving attorney fees in the amount of \$34,807.50 and costs of \$2,081.39, less the \$ \$2,900.50 retainer funds on hand, leaving a balance due of \$33,988.39.

GOLDSTEIN BERSHAD & FRIED, P.C.

/s/ Scott M. Kwiatkowski
Scott M. Kwiatkowski (P 67871)
Attorneys for Debtor
4000 Town Center, Suite 1200
Southfield, Michigan 48075
(248) 355-5300
email: scott@bk-lawyer.net

Dated: September 22, 2023

EXHIBIT 1

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In Re: Dailey Law Firm, PC,

Debtor.

Case No. 23-45970-mlo

Chapter 7

Hon: Maria L. Oxholm

**ORDER GRANTING APPLICATION OF GOLDSTEIN, BERSHAD & FRIED, P.C.
FOR COMPENSATION AND REIMBURSEMENT OF EXPENSES
FOR SERVICES RENDERED AS COUNSEL FOR DEBTOR IN ITS CHAPTER 11**

GOLDSTEIN, BERSHAD & FRIED, P.C. ("Applicant") filed and served on all interested parties an application for fees pursuant to LBR 2016-1(EDM), LBR 2016-3 (EDM) and 11 U.S.C. § 331. No objections to the application have been received and a certification of no response has been filed. Therefore, the Court enters this Order.

IT IS HEREBY ORDERED:

1. The Court approves Applicant's fees and expenses as follows:

Prior award for fees:	\$0.00	
Prior award for costs:	\$0.00	
Total award to date:		\$0.00

This award for fees:	\$34,807.50	
This award for costs:	\$ 2,081.39	
Total this award:		<u>\$36,888.89</u>

LESS RETAINER ON HAND	\$2,900.50
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Amount to be paid by Debtor:	\$33,988.39
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Grand total fees and costs	<u>\$36,888.89</u>
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2. This award covers services rendered and expenses incurred from July 7, 2023 through September 22, 2023.

3. Debtor's counsel shall serve a copy of this Order upon the Debtor.

4. The Debtor is authorized and directed to forthwith pay the Applicant the allowed net award consistent with its ability to pay all other current administrative obligations.

EXHIBIT 2

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT

IN THE MATTER OF:

Dailey Law Firm PC

Debtor.

Case No. 23-45970

Chapter 11

Hon. Maria L. Oxholm

**EX-PARTE ORDER AUTHORIZING DEBTOR TO RETAIN GOLDSTEIN
BERSHAD & FRIED, P.C. AS ATTORNEYS FOR DEBTOR-IN-POSSESSION**

The Debtor's Ex-Parte Motion to Employ Goldstein Bershad & Fried P.C. ("GBF") as attorneys, the attached Verified Declaration having been considered by the Court, and the court being fully advised in the premises and satisfied that the relief requested should be granted

IT IS HEREBY ORDERED that the Debtor is authorized to employ Goldstein Bershad & Fried P.C., as its attorney in connection with the administration of the above estate.

IT IS FURTHER ORDERED that GBF will account to the Debtor with monthly statements in 10ths of an hour showing the amount of attorney fees and expenses that would be paid by the estate on Court approval.

IT IS FURTHER ORDERED Notwithstanding language to the contrary in the Retainer Agreement, Debtor is not required to replenish the Law Firm's retainer with payments to be deposited into the Law Firm's client trust account.

IT IS FURTHER ORDERED that the terms and conditions of this Order are immediately effective and enforceable upon its entry.

IT IS FURTHER ORDERED that this Court retains jurisdiction over all matters

related to the implementation of this Order.

Signed on July 28, 2023



/s/ Maria L. Oxholm

Maria L. Oxholm
United States Bankruptcy Judge

EXHIBIT 3

United States Bankruptcy Court
Eastern District of Michigan

In re Dalley Law Firm PC

Debtor(s)

Case No. 23-45970-mlo

Chapter 11

**STATEMENT OF ATTORNEY FOR DEBTOR(S)
PURSUANT TO F.R.BANKR.P. 2016(b)**

The undersigned, pursuant to F.R.Bankr.P. 2016(b), states that:

1. The undersigned is the attorney for the Debtor(s) in this case.
2. The compensation paid or agreed to be paid by the Debtor(s) to the undersigned is: [Check one]
 - [] **FLAT FEE**
 - A. For legal services rendered in contemplation of and in connection with this case, exclusive of the filing fee paid
 - B. Prior to filing this statement, received
 - C. The unpaid balance due and payable is
 - [X] **RETAINER**
 - A. Amount of retainer received 9,979.00
 - B. The undersigned shall bill against the retainer at an hourly rate of \$ 325.00. [Or attach firm hourly rate schedule.] Debtor(s) have agreed to pay all Court approved fees and expenses exceeding the amount of the retainer.
3. \$ 1,738.00 of the filing fee has been paid.
4. In return for the above-disclosed fee, I have agreed to render legal service for all aspects of the bankruptcy case, including: [Cross out any that do not apply.]
 - A. Analysis of the debtor's financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy;
 - B. Preparation and filing of any petition, schedules, statement of affairs and plan which may be required;
 - C. Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof;
 - ~~D. Representation of the debtor in adversary proceedings and other contested bankruptcy matters;~~
 - ~~E. Reaffirmations;~~
 - ~~F. Redemptions;~~
 - ~~G. Other;~~
5. By agreement with the debtor(s), the above-disclosed fee does not include the following services:
Representation of the Debtor in any dischargeability actions, judicial lien avoidances, relief from stay actions, reaffirmations, or any other adversary or contested proceeding. If retainer is exhausted, Debtor agrees to replace same and consents to withdrawal of attorney if retainer not replaced.
6. The source of payments to the undersigned was from:
 - A. Debtor(s)' earnings, wages, compensation for services performed
 - B. XX Other (describe, including the identity of payor) Thomas Silver

7. The undersigned has not shared or agreed to share, with any other person, other than with members of the undersigned's law firm or corporation, any compensation paid or to be paid except as follows:

Dated: July 21, 2023

/s/ Scott M. Kwiatkowski
Attorney for the Debtor(s)
Scott M. Kwiatkowski
Goldstein Bershad & Fried PC
4000 Town Center
Suite 1200
Southfield, MI 48075
248-355-5300

P-67871 MI

Agreed: /s/ Brian Dailey
Brian Dailey
Debtor

Debtor

EXHIBIT 4

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In Re: Dailey Law Firm, PC,

Debtor.

Case No. 23-45970-mlo
Chapter 7
Hon: Maria L. Oxholm

SUMMARY STATEMENT

NAME	INI	RATE	TIME	AMOUNT
Scott M. Kwiatkowski Attorney	SMK	\$325.00	107.10	\$34,807.50
TOTALS			107.10	\$34,807.50

GOLDSTEIN BERSHAD & FRIED P.C. HOURLY RATES

STANLEY M. BERSHAD (SMB)
Attorney

\$400.00

AARON J. SCHEINFELD (AJS)
Attorney

\$325.00

SCOTT M. KWIATKOWSKI (SMK)
Attorney

\$325.00

JENNIFER L. GAMALSKI (JLG)
Legal Assistant

\$ 75.00

Dailey Law Firm

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	<u>Hours</u>	<u>Amount</u>
<u>01 Asset Analysis and Recovery</u>		
8/2/2023 - SMK Review multiple emails from the IRS.	0.50	162.50
- SMK Multiple telephone conferences with Attorney Clayson and Attorney Polderman resolving objection to cash collateral motion.	1.00	325.00
SUBTOTAL:	[1.50	487.50]

	<u>Hours</u>	<u>Amount</u>
<u>03 Business Operations</u>		
7/14/2023 - SMK Telephone conference with accountant regarding payrolls. Follow up telephone conference with Brian regarding operations of firm.	1.80	585.00
 SUBTOTAL:	 [1.80	 585.00]

			<u>Hours</u>	<u>Amount</u>
<u>04 Case Administration</u>				
7/12/2023	- SMK	Review and respond to email from LCS regarding first day motions and claims.	0.80	260.00
	- SMK	Review emails from Attorney Gies regarding UST objections to first day motions. Revise Motions. Review emails regarding objections and resolutions.	1.50	487.50
7/13/2023	- SMK	Review objections to first day motions filed by Attorney Polderman. Follow up with Attorney Gies and Polderman regarding resolution.	1.50	487.50
	- SMK	Review and revise first day order. Follow up with bookkeeper regarding payments.	1.50	487.50
	- SMK	Attend first day motions. Telephone conference with client following the hearing.	1.50	487.50
7/14/2023	- SMK	Review email from Attorney Lieberman and follow up.	0.30	97.50
	- SMK	Review and respond to email from Attorney Polderman regarding Iolita account.	0.50	162.50
	- SMK	Review Iolita statements provided by client.	1.00	325.00
7/17/2023	- SMK	Multiple correspondence to client.	0.80	260.00
7/18/2023	- SMK	Telephone conference with client regarding Crains article and Sitto Counterclaims as treated in the case.	0.50	162.50
	- SMK	Multiple correspondence to client regarding insurance and DIP accounts. Multiple emails with Tim Carr regarding documents requested.	1.00	325.00
7/19/2023	- SMK	Draft schedules and statement of financial affairs. Review documents provided by client and bookkeeper.	3.50	1,137.50
7/20/2023	- SMK	Prepare for, and attend, initial scheduling conference with Judge Oxholm. Telephone conference with Attorney Polderman prior to hearing.	0.80	260.00
	- SMK	Finalize schedules and statement of financial affairs. Review Balance Sheet, Profit and Loss and last tax return filed	2.50	812.50
7/21/2023	- SMK	Correspondence to client regarding IDI and documents required.	0.80	260.00
	- SMK	Finalize schedules and statement of financial affairs for filing. Extended telephone conference with client to finalize.	1.50	487.50
7/24/2023	- SMK	Prepare for, and attend, IDI.	1.50	487.50
7/27/2023	- SMK	Multiple emails to client regarding disbursement.	1.00	325.00

			<u>Hours</u>	<u>Amount</u>
7/31/2023	- SMK	Review objection to cash collateral motion.	1.50	487.50
8/1/2023	- SMK	Review objection to cash collateral motion. Correspondence to Trustee Clayson regarding resolution.	0.50	162.50
	- SMK	Extended telephone conference with client regarding status of the UST requirement and fulfillment.	0.80	260.00
8/2/2023	- SMK	Review IOLTA statements and send to Attorney Clayson.	0.30	97.50
	- SMK	Legal research as it related to reply to objections.	1.00	325.00
	- SMK	Draft reply to objection to cash collateral motion filed by Attorney Polderman.	2.50	812.50
8/3/2023	- SMK	Review Motion to Dismiss filed by Attorney Polderman.	1.00	325.00
8/4/2023	- SMK	Review case law regarding attorney fees for an interpleader Plaintiff.	0.80	260.00
	- SMK	Review bank statements provided.	1.00	325.00
8/7/2023	- SMK	Telephone conference with client and Attorney Sher regarding status of case. Follow up correspondence to Attorney Polderman.	1.00	325.00
	- SMK	Draft amended schedules regarding analysis of IOLTA account funds. Review "waterfall" of Ingram settlement funds.	1.80	585.00
	- SMK	Draft response regarding motion for relief filed by Attorney Polderman.	3.00	975.00
8/8/2023	- SMK	Draft pre conference status report.	1.00	325.00
	- SMK	Finalize Response to Motion for Relief from Stay.	1.20	390.00
8/9/2023	- SMK	Review IOLTA records.	0.50	162.50
	- SMK	Multiple telephone conferences with client regarding outstanding US Trustee issues.	1.50	487.50
8/10/2023	- SMK	Review malpractice cert and PPP loan documents.	1.00	325.00
	- SMK	Prepare for, and attend, hearing on Motion for Relief and motion to attend 341 hearing filed by Attorney Polderman.	3.50	1,137.50
8/11/2023	- SMK	Multiple emails and phone calls with client regarding outstanding issues in case.	1.00	325.00
	- SMK	Legal research regarding Motion to Dismiss filed by Attorney Polderman.	1.50	487.50
8/14/2023	- SMK	Review and analyze 2 week disbursement. Follow up with client regarding questions.	0.80	260.00
8/15/2023	- SMK	Emails and telephone conference with client regarding Motion to Dismiss Response and status of closure of accounts. Extended discussion regarding Sub V expansion of powers as it relates to transfers.	2.00	650.00

			<u>Hours</u>	<u>Amount</u>
8/16/2023	- SMK	Telephone conference with client regarding expansion of powers of Trustee. Follow up call with Attorney Clayson regarding expansion of powers.	0.50	162.50
	- SMK	Telephone conference with Attorney Betz and email regarding stay of proceedings.	0.50	162.50
8/17/2023	- SMK	Review Order from Attorney Gies regarding expansion of powers of Trustee and follow up with client with revisions.	0.50	162.50
	- SMK	Draft Response to Motion to Dismiss.	2.50	812.50
	- SMK	Review and analyze supplement filed by Attorney Polderman.	2.50	812.50
8/18/2023	- SMK	Telephone conference with client regarding orders to show cause. Telephone conference with Attorney Polderman regarding violation of stay.	0.80	260.00
	- SMK	Review and respond to multiple emails regarding order for expansion of powers.	1.00	325.00
	- SMK	Draft Supplemental Response.	1.50	487.50
8/21/2023	- SMK	Draft Answer to Motion to Dismiss.	1.50	487.50
8/22/2023	- SMK	Comprehensive email to client regarding status of the case.	1.00	325.00
8/23/2023	- SMK	Finalize supplemental response to motion to lift automatic stay.	2.50	812.50
	- SMK	Finalize response to Polderman's Motion to Dismiss.	2.50	812.50
8/24/2023	- SMK	Finalize motions and follow up with client regarding documents due to the UST.	1.00	325.00
8/25/2023	- SMK	Draft email to client regarding status.	0.50	162.50
8/30/2023	- SMK	Review and respond to multiple letters.	1.00	325.00
8/31/2023	- SMK	Follow up review of orders and email to client.	0.80	260.00
9/1/2023	- SMK	Review response to the Attorney Chernich letter regarding IOLTA funds. Review Appeal Issues.	2.00	650.00
9/5/2023	- SMK	Review correspondence from Attorney Collier.	0.30	97.50
9/6/2023	- SMK	Review Motion to Convert.	1.00	325.00
9/7/2023	- SMK	Prepare for, and attend, hearing on Motion for Relief from Stay filed by Polderman.	1.80	585.00
9/11/2023	- SMK	Multiple follow ups with client regarding hearing on Motion to Convert.	0.80	260.00
9/12/2023	- SMK	Draft Response to Motion to Convert. Review July financials. Multiple calls with client regarding conversion and/or dismissal of the case.	3.00	975.00

	<u>Hours</u>	<u>Amount</u>
9/14/2023 - SMK Prepare for, and attend, hearing on Motion to Convert. Follow up memo to client after hearing.	2.80	910.00
9/19/2023 - SMK Multiple correspondences to client regarding status since conversion.	1.50	487.50
SUBTOTAL:	[85.50	27,787.50]

	<u>Hours</u>	<u>Amount</u>
<u>05 Claims Administration and Objections</u>		
8/1/2023 - SMK Review Proof of Claim and supporting documents filed by the IRS.	0.80	260.00
8/18/2023 - SMK Review email and documents as it relates to Bidner Claim.	0.50	162.50
SUBTOTAL:	[1.30	422.50]

	<u>Hours</u>	<u>Amount</u>
<u>07 Fee/Employment Applications</u>		
7/27/2023 - SMK Review email from Attorney Gies regarding Application to Employ GBF. Email to interested parties regarding disbursement.	0.80	260.00
9/22/2023 - SMK Prepare Fee Application	2.00	650.00
SUBTOTAL:	[2.80	910.00]

	<u>Hours</u>	<u>Amount</u>
<u>09 Financing</u>		
7/12/2023 - SMK Telephone conference with IRS counsel regarding cash collateral hearing.	0.80	260.00
SUBTOTAL:	[0.80	260.00]

	<u>Hours</u>	<u>Amount</u>
<u>10 Litigation</u>		
7/21/2023 - SMK Conference with client regarding state court litigation and special counsel.	0.80	260.00
SUBTOTAL:	[0.80	260.00]

	<u>Hours</u>	<u>Amount</u>
<u>11 Meeting of Creditors</u>		
8/2/2023 - SMK Telephone conference and correspondence to client regarding 341 hearing. Follow up correspondence to Attorney Gies regarding 341 hearing.	0.80	260.00
8/3/2023 - SMK Prepare for, and attend, 341 hearing.	3.50	1,137.50
8/4/2023 - SMK Legal research regarding attendance at 341; powers of a pre petition receiver. Draft response to Motion.	3.00	975.00
8/8/2023 - SMK Finalize response to appearance at 341 hearing.	1.30	422.50
8/10/2023 - SMK Prepare for, and attend, 341 hearing.	1.00	325.00
SUBTOTAL:	[9.60	3,120.00]

	<u>Hours</u>	<u>Amount</u>
<u>13 Relief from Stay Proceedings</u>		
7/26/2023 - SMK Review Motion for Lift of Stay and Turnover. Follow up with client and Attorney Polderman.	1.50	487.50
7/28/2023 - SMK Review memo from client regarding Polderman Motion. Follow up regarding taxes and accountant.	1.50	487.50
SUBTOTAL:	[3.00	975.00]

BIOGRAPHICAL STATEMENT

Stanley M. Bershad (SMB) is a shareholder of Goldstein Bershad & Fried, P.C., admitted to the Bar 1972, Michigan. Education: University of Michigan (B.A. 1966); Detroit College of Law (J.D. 1972). Author: "Know the Law and Avoid Malpractice Under the New Bankruptcy Code," Oakland County Bar Association, April 1981. Member of Faculty, Bankruptcy Law, Institute of Continuing Legal Education, 1981-89. Designated Receiver and Trustee, U. S. Bankruptcy Court in Detroit, 1973-86.

Member: Oakland County Bar Association, Federal Bar Association, State Bar of Michigan, American Bankruptcy Institute and Michigan Retailers Association. Speaker on insolvency topics at seminars for Oakland County Bar Association, Federal Bar Association, Institute for Continuing Legal Education and other professional associations.

Martin L. Fried (MLF) was admitted to the Bar 1973, Michigan; 1976 U.S. Tax Court. Education: Lafayette College (B.S. in Physics 1966); Wayne State University Law School (J.D. cum laude 1972). Lecturer, Business Law Course in Certified Employee Benefit Specialist Program, Wayne State Law School, 1983-84. Member: State Bar of Michigan, Detroit Bar Association, Consumer Bankruptcy Association. Frequent lecturer to legal and professional groups on bankruptcy topics. Certified by the American Board of Certification as a Business Bankruptcy Specialist

Aaron J. Scheinfield (AJS) is an associate at Goldstein, Bershad & Fried, P.C. and a former associate of the law firm of Gold, Lange & Majoros, P.C. He has been practicing law for almost ten years and has practiced exclusively in the areas of bankruptcy and insolvency law. He has represented Chapter 7 Trustees as well as debtors and creditors in Chapter 7 and Chapter 13 matters. He received his Juris Doctor at Wayne State University Law School and graduated from University of Michigan (Ann Arbor) with his bachelor's degree in political science. He was admitted to the State Bar of Michigan as well as the United States District Courts for the Eastern and Western Districts of Michigan in 2004.

Mr. Scheinfield has been published in the following:

- A. ABI Consumer Bankruptcy Committee Newsletter, Co-authored article on private disability insurance analysis, Edition: Volume 8, Number 1, January 2010
- B. Michigan Lawyers Weekly, interviewed and featured in article entitled "It's a Living: There's Plenty of Work in Foreclosures and Bankruptcies, But Pay is Low," Volume 24, Number 52, November 8, 2010.

Mr. Scheinfield has been awarded the following:

- A. Ben Gurion Society (BGS) Volunteer of the Year Award presented by the Jewish Federation of Metropolitan Detroit; Museum of Contemporary Art

Detroit (MOCAD); Detroit, MI, March 25, 2010.

Mr. Scheinfeld has attended many continuing education seminars within the last five (5) years, including:

- A. New Bankruptcy Code Seminar, Detroit, MI, June 3, 2005 (4 hours)
- B. BAPCPA One Year Later: A Columbus Day Seminar, Novi, MI, October 9, 2006 (7 hours)
- C. Consumer Bankruptcy Association, "Nuts & Bolts" Approach Seminar, Sterling Heights, MI, May 7, 2007 (5 hours)
- D. 3rd Annual Shapero Symposium sponsored by the Consumer Bankruptcy Association, Southfield, MI, October 17, 2007
- E. Detroit Consumer Program sponsored jointly by the American Bankruptcy Institute and the Detroit Consumer Bankruptcy Association, Troy, MI, November 12, 2007 (6.75 hours)
- F. Bankruptcy Trial Advocacy Workshop sponsored jointly by the Federal Bar Association and Consumer Bankruptcy Association, Detroit, MI, February 28-29, 2008 (2-day all day seminar)
- G. "Bench & Bar Seminar on the New EDM Local Bankruptcy Rules" sponsored jointly by the Consumer Bankruptcy Association and the Debtor/Creditor Rights Committee of the Business Law Section of the State Bar, Detroit, MI, April 11, 2008 (2 hours)
- H. ABI's Detroit Consumer Bankruptcy Conference, Troy, MI, November 11, 2008 (6.75 hours)
- I. Consumer Bankruptcy Association's "Timing, Deadlines and Planning" Seminar, Southfield, MI, March 27, 2009 (1.5 hours)
- J. Consumer Bankruptcy Association Dinner Meeting, Royal Oak, MI, April 2, 2009 (2 hours)
- K. NBI's "Bankruptcy Forum: What Judges and Trustees Want You to Know" Seminar, Southfield, MI, April 24, 2009 (3 hours)
- L. 16th Annual Central States Bankruptcy Workshop, Traverse City, MI, June 11-14, 2009 (9 hours)
- M. Consumer Bankruptcy Association's "New Michigan Foreclosure Statute" Seminar, Farmington Hills, MI, July 20, 2009 (2 hours).
- N. Consumer Bankruptcy Association Dinner Meeting; Discussion of current and emerging issues conducted by the Judges of the Eastern District of Michigan; Royal Oak, MI, September 24, 2009 (3 hours).
- O. ABI's Detroit Consumer Bankruptcy Conference, Dearborn, MI, November 11, 2009 (6.76 hours).
- P. NBI's "Real Property Foreclosure: A Step-By-Step Workshop," Southfield, MI, December 8, 2009 (7 hours).
- Q. Consumer Bankruptcy Association Dinner Meeting; IRS vs. the Chapter 13 Trustees and issues pertaining to tax refunds subject to garnishments; Royal Oak, MI, January 28, 2010 (3 hours).
- R. Consumer Bankruptcy Association and ICLE's "Consumer Bankruptcy Institute", Plymouth, MI, April 19, 2010 (5.5 hours).

- S. State Bar of Michigan – Debtor/Creditor Rights Committee “New Issues in Enforcing Mortgages in Bankruptcy,” Farmington Hills, MI, July 20, 2010 (3 hours).
- T. ABI’s Detroit Consumer Bankruptcy Conference, Sterling Heights, MI, November 11, 2010 (6.75 hours).
- U. ICLE & CBA’s 2nd Annual Consumer Bankruptcy Institute: Updates, Strategies and Judicial Insights, Plymouth, MI, April 1, 2011 (6 hours).

Mr. Scheinfeld has the following teaching experience:

- A. Speaker at Great Lakes GMAC Real Estate office to discuss various bankruptcy and real estate issues, Rochester Hills, MI, April 8, 2009
- B. Speaker on WCHB Radio 1200 a.m. with host Earl Carruthers of the Graceful Credit Show to discuss various bankruptcy and real estate issues, Detroit, MI, April 19, 2009
- C. Speaker/Panelist at “Assessing Your Options in the Current Real Estate Market : Where Do We Go From Here?” Seminar sponsored by the Real Estate Investors Association of Oakland, Troy, MI, May 14, 2009
- D. Speaker at Century 21 Town and County Real Estate office to discuss various bankruptcy and real estate issues, Rochester Hills, MI, May 20, 2009
- E. Speaker at Real Estate One office to discuss various bankruptcy and real estate issues, Commerce Township, MI, June 3, 2009
- F. Speaker at Keller Williams office to discuss various bankruptcy and real estate issues, Royal Oak, MI, August 28, 2009
- G. Speaker at Sotheby’s International Realty office to discuss various bankruptcy and real estate issues, Birmingham, MI, September 16, 2009
- H. Speaker at 2009 Hebrew Free Loan Annual Conference at Radisson Kingsley Hotel to discuss issues related to foreclosure and bankruptcy, Bloomfield Hills, MI, October 20, 2009
- I. Speaker at North Oakland County Board of Realtors to discuss various bankruptcy and real estate issues with real estate agents from Prudential Great Lakes office, Waterford, MI, November 13, 2009
- J. Speaker at Macomb County Property Owners Association to discuss various bankruptcy and real estate issues with residential real estate investors, Dimitri’s Rendezvous, Clinton Township, MI, January 7, 2010.
- K. Interview on MBN TV by Burt Kassab, Esquire to discuss various bankruptcy and real estate issues, Southfield, MI, May 19, 2009.
- L. Speaker at Hebrew Free Loan Board Development/Education Event to discuss bankruptcy, foreclosure and credit card debt, West Bloomfield, MI, April 18, 2010.
- M. Speaker at Real Estate One office to discuss various bankruptcy and real estate issues, Royal Oak, MI, April 28, 2010.
- N. Speaker at Consumer Bankruptcy Association Dinner Meeting to discuss “Discharging Taxes and Offers in Compromise in Chapter 7 and Chapter 13 Bankruptcies”; Royal Oak, MI, May 20, 2010.

- O. Judge for Wayne State University Law School First-Year Moot Court Program, Detroit, MI, 2005 - present.
- P. Speaker at Knollwood Country Club to discuss various bankruptcy, creditors' rights and distressed real estate issues with accountants, West Bloomfield, June 16, 2011.
- Q. Speaker at Coldwell Banker Weir Manual office to discuss various bankruptcy and real estate issues, Birmingham, MI, June 20, 2012.
- R. Speaker at Michigan Real Estate Investing Club at Wayne County Community College to discuss various bankruptcy and real estate issues, Detroit, MI, June 21, 2012.

- S. Speaker at Max Broock office to discuss various bankruptcy and real estate issues, Bloomfield Hills, MI, July 11, 2012.
- T. Speaker at American Landlord Association at Northwest Activity Center to discuss various bankruptcy and real estate issues, Detroit, MI, July 17, 2012.
- U. Guest appearance on the Hardcore Mortgage Show on 97.1 FM The Ticket sponsored by Capital Mortgage Funding to discuss various bankruptcy and real estate issues, Farmington Hills, MI, July 21, 2012.
- V. Speaker at Macomb County Property Owners' Association at Ike's Family Dining to discuss various bankruptcy and real estate issues, Sterling Heights, MI, August 2, 2012.
- W. Speaker at Monroe Landlord Association at Dena's Kitchen to discuss various bankruptcy and real estate issues, Monroe, MI, August 23, 2012.
- X. Speaker at Keller Williams office to discuss various bankruptcy and real estate issues, Sterling Heights, MI, September 5, 2012.
- Y. Speaker at North Oakland County Board of Realtors to discuss various bankruptcy and real estate issues, Waterford, MI, September 24, 2012.
- Z. Speaker at Coldwell Banker Weir Manuel office to discuss various bankruptcy and real estate issues, Birmingham, MI, March 13, 2013.

- aa. Speaker at Keller Williams office to discuss various bankruptcy and real estate issues, Troy, MI, April 8, 2013.
- bb. Speaker at Ann Arbor Real Estate Investors Club to discuss bankruptcy and real estate issues, Ann Arbor, MI April 25, 2013.
- cc. Speaker at Keller Williams office to discuss various bankruptcy and real estate issues, Northville, MI, June 4, 2013.
- dd. Speaker at Gordan Advisors (CPA firm) to discuss various bankruptcy, tax, creditors' rights and distressed real estate issues with accountants, Troy, MI, July 17, 2013.
- ee. Radio interview on WWJ Newsradio 950 am to discuss various bankruptcy and real estate issues, Southfield, MI, July 15, 2013.
- ff. Radio interview on 1200 AM with host Angelo Henderson to discuss Chapter 9 bankruptcy of City of Detroit, Southfield, MI, July 19, 2013.

Mr. Scheinfeld is a member of the Consumer Bankruptcy Association, the American Bankruptcy Institute, Federation Bar Association, and B'nai B'rith Barristers. He is a past Vice President of his local chapter for Business Networking International (BNI) and

serves as a member on the Board for Woodward Place Condominiums as well as NEXTGen Detroit of the Jewish Federation for Metropolitan Detroit.

Scott M. Kwiatkowski (SMK), born Livonia, Michigan, February 6, 1979, admitted to the Bar 2004. Education: University of Michigan (B.A. 2001); Wayne State University Law School (J.D. 2004). Member: State Bar of Michigan, Federal Bar Association for the Eastern District of Michigan, Consumer Bankruptcy Association, and American Bankruptcy Institute. Admitted to practice: United States District Court for the Eastern District of Michigan, United States Bankruptcy Court for the Eastern District of Michigan, United States Bankruptcy Court for the Western District of Michigan. Scott's experience includes the representation of debtors, creditors, Chapter 7 Trustees, and advising and planning strategies for complex Chapter 7, 11, and 13 cases.

Mr. Kwiatkowski has attended many continuing education seminars within the last five (5) years, including:

- A. New Bankruptcy Code Seminar, Detroit, MI, June 3, 2005 (4 hours)
- B. BAPCPA One Year Later: A Columbus Day Seminar, Novi, MI, October 9, 2006 (7 hours)
- C. Consumer Bankruptcy Association, "Nuts & Bolts" Approach Seminar, Sterling Heights, MI, May 7, 2007 (5 hours)
- D. Detroit Consumer Program sponsored jointly by the American Bankruptcy Institute and the Detroit Consumer Bankruptcy Association, Troy, MI, November 12, 2007 (6.75 hours)
- E. "Bench & Bar Seminar on the New EDM Local Bankruptcy Rules" sponsored jointly by the Consumer Bankruptcy Association and the Debtor/Creditor Rights Committee of the Business Law Section of the State Bar, Detroit, MI, April 11, 2008 (2 hours)
- F. ABI's Detroit Consumer Bankruptcy Conference, Troy, MI, November 11, 2008 (6.75 hours)
- G. 16th Annual Central States Bankruptcy Workshop, Traverse City, MI, June 11-14, 2009 (9 hours)
- H. Consumer Bankruptcy Association's "New Michigan Foreclosure Statute" Seminar, Farmington Hills, MI, July 20, 2009 (2 hours).
- I. ABI's Detroit Consumer Bankruptcy Conference, Dearborn, MI, November 11, 2009 (6.75 hours).
- J. Consumer Bankruptcy Association and ICLE's "Consumer Bankruptcy Institute", Plymouth, MI, April 19, 2010 (5.5 hours).
- K. ABI's Detroit Consumer Bankruptcy Conference, Sterling Heights, MI, November 11, 2010 (6.75 hours).
- L. Speaker at Knollwood Country Club to discuss various bankruptcy, creditors' rights and distressed real estate issues with accountants, West Bloomfield, June 16, 2011.

Mr. Kwiatkowski has been published in the following:

- A. ABI Consumer Bankruptcy Committee Newsletter, Co-authored article on private disability insurance analysis, Edition: Volume 8, Number 1, January 2010

Mr. Kwiatkowski has the following teaching experience:

- A. Speaker at Consumer Bankruptcy Association Dinner Meeting to discuss "Discharging Taxes and Offers in Compromise in Chapter 7 and Chapter 13 Bankruptcies"; Royal Oak, MI, May 20, 2010.
- B. Judge for Wayne State University Law School First-Year Moot Court Program, Detroit, MI, 2009-present.

EXHIBIT 7

		<u>Amount</u>	<u>Amount</u>
7/7/2023 - C	U.S. Bankruptcy Court filing fee for Chapter 11.	\$1,738.00	1,738.00
7/10/2023 - C	FedEx Charges for overnight delivery of 1st Day Motions to IRS, Michigan Department of Treasury, Thomson Reuters-Westlaw and Jakowiak Law Offices	\$248.88	248.88
7/14/2023 - C	Postage required to mail Wage and Cash Collateral Orders to Creditors.	\$29.61	29.61
- C	Copying cost of Wage and Cash Collateral Orders for \$32.90 mailing to Creditors.		32.90
9/1/2023 - C	U.S. Bankruptcy Court filing fee for Amended E-F	\$32.00	32.00
Total costs			<u>\$2,081.39</u>

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In Re: Dailey Law Firm, PC,

Debtor.

Case No. 23-45970-mlo

Chapter 7

Hon: Maria L. Oxholm

NOTICE OF FIRST AND FINAL FEE APPLICATION OF GOLDSTEIN, BERSHAD & FRIED, P.C. FOR COMPENSATION AND REIMBURSEMENT OF EXPENSES FOR SERVICES RENDERED AS COUNSEL FOR DEBTOR IN ITS CHAPTER 11

Applicant, Goldstein, Bershad & Fried, P.C., Attorneys for Debtor, have filed papers with the court seeking compensation for legal services rendered to the Debtor in its Chapter 11 from July 7, 2023 through September 22, 2023.

- a. The total amount of compensation for legal services that Applicant seeks to have approved is \$34,807.50.
- b. The total amount of expenses that Applicant seeks to have approved is \$2,081.39.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the requested compensation, or if you want the court to consider your views on the Application for Fees, within twenty-one (21) days from the date of service of this notice, you or your attorney must:

1. File with the court a written response or an answer, explaining your position at¹:

United States Bankruptcy Court
211 West Fort Street, Suite 2100
Detroit, Michigan 48226

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it within the above-stated time period.

2. Mail a copy to:

Scott M. Kwiatkowski, Esquire
Goldstein Bershad & Fried PC
4000 Town Center, Suite 1200
Southfield, MI 48075

3. If a response or answer is timely filed and served, the clerk will schedule a hearing on the motion and you will be served with a notice of the date, time and location

of the hearing.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the application and may enter an order granting that relief.

GOLDSTEIN BERSHAD & FRIED P.C.

/s/ Scott M. Kwiatkowski
Scott M. Kwiatkowski (P67871)
Attorneys for Debtor
4000 Town Center, Suite 1200
Southfield, Michigan 48075
(248) 355-5300
email: scott@bk-lawyer.net

Dated: October 6, 2023

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In Re: Dailey Law Firm, PC,

Debtor.

Case No. 23-45970-mlo

Chapter 7

Hon: Maria L. Oxholm

CERTIFICATE OF SERVICE

I hereby certify that on October 6, 2023 I electronically filed the following papers with the Clerk of the Court using the ECF system which will send notification of such filing to the following ECF Participants:

Documents Filed:	First and Final Fee Application of Goldstein, Bershad & Fried, P.C. for Compensation and Reimbursement of Expenses for Services Rendered as Counsel for Debtor in its Chapter 11, proposed Order, Notice of Fee Application and this Certificate of Service
ECF Participants:	All parties listed by the Court for service via electronic mailing

And I hereby certify that on October 6, 2023 I served the documents by united states postal service on all creditors on the attached Matrix from PACER and the Dailey Law Firm, c/o Brian Dailey, Esq. at 77 Oxford Road, Grosse Pointe, MI 48236 and 63 Kercheval Avenue, Suite 215, Grosse Pointe, MI 48236.

/s/ Jennifer L. Gamalski

Jennifer L. Gamalski
4000 Town Center, Suite 1200
Southfield, MI 48075
Phone: (248) 355-5300
Fax: (248) 355-4644
Scott M. Kwiatkowski P-67871
email scott@bk-lawyer.net

Dated: October 6, 2023

Label Matrix for local noticing
0645-2
Case 23-45970-mlo
Eastern District of Michigan
Detroit
Tue Oct 3 14:58:53 EDT 2023

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Betty Binder, Personal Representative
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c/o Scott A. Chernich
313 S. Washington Square
Lansing, MI 48933-2114

Blue Cross Blue Shield of Michigan
232 S. Capitol Ave. - MCA L08A
Lansing, MI 48933-1504

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Collection/Bankruptcy Unit
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Spine Sports & Occupational Medicine, PC
c/o Joey S. Niskar, Esq.
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Southfield, MI 48075-7713

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d) Internal Revenue Service
Centralized Insolvency Operations
PO Box 7346
Philadelphia, PA 19101-7346

(d) Mark H. Shapiro
25925 Telegraph Rd.
Suite 203
Southfield, MI 48033-2527

(u) VHS of Michigan, Inc.
28470 W. 13 Mile Rd.
Suite 300
Farmington Hills

(u) Andrew R. Vara

(u) Cheryl Wesler
Wesler & Associates CPA PC

End of Label Matrix
Mailable recipients 73
Bypassed recipients 5
Total 78